

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

PAUL J. McNALLY, as he is TRUSTEE,
MASSACHUSETTS LABORERS' HEALTH AND
WELFARE FUND and NEW ENGLAND LABORERS'
TRAINING TRUST FUND; JAMES MERLONI, JR.,
as he is TRUSTEE, MASSACHUSETTS LABORERS'
PENSION FUND and MASSACHUSETTS LEGAL
SERVICES FUND; MARTIN F. WALSH, as he is
TRUSTEE, MASSACHUSETTS LABORERS'
ANNUITY FUND,

Plaintiffs

vs.

DERBES REALTY TRUST,
Defendant

and

WEYMOUTH CO-OPERATIVE BANK,
Trustee

C.A. No. 03-12609 DPW

PLAINTIFFS' MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST DERBES REALTY TRUST

Now come the plaintiffs (hereinafter, the "Funds"), and request the Clerk, pursuant to Rule 55(b)(1), Fed.R.Civ.P., to enter default judgment in favor of the Funds and against defendant Derbes Realty Trust (hereinafter "Derbes"), holding Derbes liable for all unpaid contributions owed to the Funds, together with interest, statutory liquidated damages, reasonable attorneys' fees, and costs as follows:

- | | | |
|----|--|-------------|
| A. | Principal owed to the Funds through August, 2002 | \$13,074.60 |
| B. | Prejudgment interest on the unpaid contributions, as mandated by 29 U.S.C. §1132(g)(2)(B), if all contributions are paid by September 30, 2004 | \$3,592.83 |

C.	Underpayments and interest on late-paid contributions	\$11,011.16
D.	Liquidated damages as mandated by 29 U.S.C. §1132(g)(2)(C)	\$2,614.92
E.	Attorneys' Fees as mandated by §1132(g)(2)(D)	\$877.50
F.	Costs	\$251.41
TOTAL		\$31,422.42

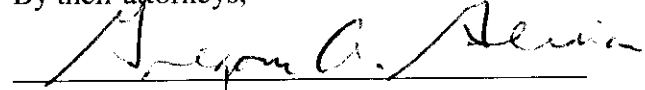
As grounds therefore, plaintiffs state that default has been entered against defendant for failure to answer or otherwise defend as to the Complaint of the plaintiffs. Plaintiffs' claim is for a sum certain. Finally, defendant is neither an infant nor an incompetent person.

WHEREFORE, plaintiffs respectfully request that default judgment be entered against Derbes Realty Trust.

Respectfully submitted,

PAUL J. MCNALLY, as he is
TRUSTEE, MASSACHUSETTS
LABORERS' HEALTH AND WELFARE
FUND, et al,

By their attorneys,



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Dated: September 29, 2004

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the
above document was served upon the
defendant of record for each other party
by mail and on September 29, 2004

